

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Tammy Bunce,

Plaintiff,

v.

American InterContinental University,

Defendant.

Civil Action No.: _____

COMPLAINT

For this Complaint, Plaintiff, Tammy Bunce, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business here, Plaintiff resides in this judicial district, and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

3. Plaintiff, Tammy Bunce ("Plaintiff"), is an adult individual residing in Williamsport, Pennsylvania, and is a "person" as defined by 47 U.S.C. § 153(10).
4. Defendant American InterContinental University ("AICU") is an Illinois business entity with an address of 231 North Martingale Road, Schaumburg, Illinois 60173, and is a "person" as defined by 47 U.S.C. § 153(10).

FACTS

5. In or around August 2013, Defendant began placing multiple calls per day to Plaintiff's cellular telephone using an automatic telephone dialing system ("ATDS") and/or by using artificial or prerecorded messages.

6. Plaintiff has no prior business relationship with Defendant and never provided consent to be contacted on her cellular telephone.

7. Upon answering Defendant's calls, Plaintiff heard either an automated message directing her to hold for the next available representative or a period of silence followed by a live representative.

8. On at least six (6) occasions, Plaintiff informed Defendant that she was not interested in Defendant's services and requested that the automated calls to her cellular telephone number cease.

9. Despite Plaintiff's repeated requests, Defendant continued to place automated calls to Plaintiff's cellular telephone.

10. In addition, on August 16, 2013, Plaintiff sent an email to Defendant requesting that her cellular telephone number be removed from Defendant's call list.

11. Nonetheless, Defendant placed an additional automated call to Plaintiff.

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Without prior express consent, Defendant contacted Plaintiff by means of automated telephone calls on her cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii). As such, each call placed to Plaintiff is a knowing and/or willful violation of the TCPA, and is therefore subject to treble damages of \$1,500.00 per call pursuant to 47 U.S.C. § 227(b)(3)(C).

14. In the alternative, as a result of each negligent call made in violation of the TCPA, Plaintiff is entitled to an award of \$500.00 for each call pursuant to 47 U.S.C. § 227(b)(3)(B).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful or intentional pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

October 18, 2013

Respectfully submitted,

By /s/ Jody B. Burton

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